

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF
ARIZONA; STATE OF ILLINOIS; and
STATE OF OREGON,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity
as President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; BENJAMINE HUFFMAN, in
his official capacity as Acting Secretary of
Homeland Security; U.S. SOCIAL
SECURITY ADMINISTRATION;
MICHELLE KING, in her official capacity
as Acting Commissioner of the Social
Security Administration; U.S.
DEPARTMENT OF STATE; MARCO
RUBIO, in his official capacity as Secretary
of State; U.S. DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
DOROTHY FINK, in her official capacity
as Acting Secretary of Health and Human
Services; U.S. DEPARTMENT OF
JUSTICE; JAMES MCHENRY, in his
official capacity as Acting Attorney
General; U.S. DEPARTMENT OF
AGRICULTURE; GARY WASHINGTON,
in his official capacity as Acting Secretary
of Agriculture; and the UNITED STATES
OF AMERICA,

Defendants.

NO. 2:25-cv-00127

DECLARATION OF
KATHERINE HUTCHINSON

1 I, Katherine Hutchinson, declare as follows:

2 1. I am over the age of 18 and have personal knowledge of the matters herein.

3 2. I am the State Registrar and Office Director at the Washington Department of
4 Health's (DOH) Center for Health Statistics. I have held this position for 2.5 years, and have
5 been with DOH since 2008. As State Registrar, I oversee Washington's system of vital
6 statistics, including the registration of vital events, such as births, and the issuance of vital
7 records, including birth certificates. I am also familiar with DOH's relationship with the U.S.
8 Social Security Administration, and DOH's role in SSA's "Enumeration at Birth" program for
9 issuance of Social Security Numbers (SSNs) to babies born in Washington.

10 3. DOH's mission is to protect and improve the health of all people in Washington
11 state. In carrying out that mission, it administers programs and provides services that touch the
12 lives of all Washingtonians and visitors to the State. DOH regulates healthcare facilities and
13 oversees the Center for Health Statistics, among other things. As the office of the State
14 Registrar, the Center is responsible for the registration, preservation, amendment, and release
15 of official state records of all births, deaths, fetal deaths, marriages and divorces that occur in
16 Washington. It also participates in the U.S. Social Security Administration's Enumeration at
17 Birth program, enabling parents to request issuance of an SSN at or shortly after the time a
18 baby is born, as part of completing the standard birth filing forms in Washington.

19 4. One primary function of the DOH is to oversee registration and release of birth
20 certificates. As background, the U.S. Department of Health and Human Services, National
21 Center for Health Statistics (NCHS) develops standard form certificates for vital events, which
22 it recommends that the States adopt to maintain nationwide uniformity in the system of vital
23 statistics. Washington has adopted the U.S. standard form birth certificate, with few
24 modifications. *See* Wash. Admin. Code § 246-491.

25 5. The Washington form to register a birth and obtain a birth certificate is called
26 the Washington State Birth Filing Form and is completed upon the birth of a newborn child.

1 Generally speaking, it requires entry of information about the child and birthplace, information
2 about the mother and father, and information for hospital use only. The form asks for
3 information about the parents, including place of birth and their SSN if they have one, though
4 they are not required to include that information. The form does not contain fields for
5 immigration or citizenship status of a baby's parents. Thus, Washington birth certificates do
6 not collect parental immigration or citizenship status information.

7 6. Neither does Washington's form to register a birth contain any field for
8 immigration or citizenship status of the baby. Babies born in Washington have always been
9 considered U.S. citizens, and Washington birth certificates have always been proof of U.S.
10 citizenship sufficient to obtain a U.S. passport or SSN. Thus, Washington birth certificates
11 contain no information or representation about a baby's immigration or citizenship status.

12 7. As part of the Birth Filing Form, parents are asked whether they wish to get an
13 SSN for their children. They select either a "Yes" or "No" box when completing the form.

14 8. After the newborn's parents complete the Birth Filing Form, the hospital sends
15 the information electronically to DOH through an electronic birth system called WHALES
16 (Washington Health and Life Event System). DOH and the local public health jurisdiction then
17 use that information to create and register a birth certificate with the State.

18 9. The option to request issuance of an SSN at the time of birth is an option on
19 Washington's Birth Filing Form because Washington participates in the U.S. Social Security
20 Administration's Enumeration at Birth program. The EAB program is a process by which
21 babies born in the United States may obtain an SSN based on the submission of information
22 from the State's vital statistics agency (like DOH in Washington) rather than a separate
23 application to the SSA and identity/citizenship confirmation process.

24 10. The Birth Filing Form asks for the parents' SSNs. Parents born outside the
25 United States can apply for and receive an SSN for their child born in the United States without
26 including their own SSNs. Currently, because children born in the United States are U.S.

1 citizens, they are eligible for SSNs regardless of their parents' immigration status. The EAB
2 process facilitates a streamlined application and issuance of SSNs to U.S. Citizen babies born
3 in Washington. To DOH's knowledge, based on its agreement with the SSA, more than 98
4 percent of parents in the United States voluntarily request an SSN for their newborns through
5 the EAB program.

6 11. After a healthcare facility receives a completed Birth Filing Form indicating
7 that an SSN is sought for a newborn child, it sends the required information to DOH, and DOH
8 in turn sends the required birth record information to the SSA in the prescribed format for the
9 purpose of SSA issuing an SSN to the newborn child. The information sent must include the
10 child's name, date of birth, place of birth, sex, mother's maiden name, father's name if listed
11 on the birth registration document, the mother's address, the birth certificate number, and the
12 parents' SSNs if available.

13 12. In exchange for administering this program and formatting and transmitting
14 certain data to the SSA, DOH receives federal funding from the SSA. Through a contract in
15 place with the SSA, the State currently receives \$4.19 per SSN assigned through the EAB
16 process, up to nearly \$440,000 per year. Under the agreement, DOH only sends EAB records
17 and information to the SSA for enumeration of infants born within the past 12 months, and it
18 receives payment only for records received for births in the current month and the prior two
19 months. Further, the number of records processed and available for reimbursement is reduced
20 by the number of births that are assigned an SSN in SSA Field Offices after the parent has
21 applied for EAB at the hospital. In other words, DOH is only reimbursed for those SSNs
22 assigned through EAB. The annual payment received through the EAB program is
23 approximately 7 percent of the Center's annual budget, and DOH uses those funds to support
24 the payment of administrative and operational costs for the Center.

25 13. If children born in Washington become ineligible for SSNs because they are no
26 longer citizens, DOH will lose federal funds because there will be a decrease in the number of

1 SSN applications sent through the EAB process. For example, if there is an annual decrease of
2 approximately 4,000 newborn children eligible for SSNs in Washington and the SSA declines
3 to issue SSNs for those children, DOH stands to lose approximately \$16,000 per year. Based
4 on my experience, I anticipate that DOH would in fact see an even larger decrease in the
5 number of children eligible to obtain an SSN because data quality may decrease, making it
6 hard to provide enough information to SSA to get an SSN assigned.

7 14. DOH also anticipates additional negative impacts based on the loss of birthright
8 citizenship to newborns in Washington. If it were no longer the case that all children born in
9 the United States are U.S. citizens at birth and the newborn registration process had to be
10 amended to provide for verification of the parents' citizenship or immigration status,
11 Washington's vital records system would have no immediate way to reflect this significant
12 change. It would instead require substantial operational time, manpower resources, and
13 technological resources from the Center and healthcare facilities in Washington to respond to
14 the change. Indeed, the Center endeavors to avoid deviation from the national standard in order
15 to preserve interoperability of data systems. Modifying required birth certificate information
16 would require significant system changes for the Center and additional rulemaking by DOH.

17 15. Historically, the National Center for Health Statistics within the U.S. Centers
18 for Disease Control and Prevention (NCHS) has reviewed and revised U.S. standard vital form
19 certificates every 10-15 years only, by way of a years-long collaborative process with state
20 vital records officers and public health experts. Even if NCHS were to develop and promulgate
21 a new U.S. standard birth certificate that included fields for immigration or citizenship
22 information, adoption of a new form by DOH would additionally require notice-and-comment
23 rulemaking, which cannot occur overnight. *See* Wash. Admin. Code § 246-491-149(1).

24 16. It would be chaotic if a change to U.S. citizenship at birth were implemented
25 without sufficient time to prepare. A change of such scale would place significant new burdens
26 on DOH and the Center in particular. DOH would need to determine what changes are required

1 to birth certificates and what new information may need to be collected. Once determined,
 2 DOH would need to work with NCHS to promulgate a new U.S. standard birth certificate for
 3 Washington's adoption. DOH then would have to promulgate a new rule to effectuate the
 4 changes.

5 17. Meanwhile, approximately 80,000 babies are born every year in Washington.
 6 That is an average of more than 200 babies per day. It is unclear what would be required or
 7 requested of DOH in connection with the registration of births that were to occur prior to the
 8 implementation of updated birth certificates, since birth certificates are proof of U.S.
 9 citizenship. DOH is not currently equipped to handle those new burdens; for example, it is hard
 10 to know how we would go about determining the immigration status or citizenship of every
 11 newborn (or their parents) when their immigration status is unclear to us, and whose job it
 12 would be to make that determination. Most births are assisted births, and hospitals and
 13 midwives are the ones who collect and transmit birth registration information to DOH.
 14 Furthermore, all information we receive is self-reported, we have no way to verify it, and we
 15 do not receive information concerning the parents' immigration or citizenship status.

16 18. Furthermore, implementing any changes to the Washington birth
 17 certificate—an electronic system comprised of distinct end-user interfaces for medical
 18 providers to input data for transmission to DOH, on the one hand, and files DOH can transmit
 19 to the SSA, for example, on the other—would require substantial, unbudgeted expenditures by
 20 DOH.

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1 I declare under penalty of perjury under the laws of the State of Washington and the
2 United States of America that the foregoing is true and correct.

3 DATED and SIGNED this 20th day of January 2025 at Tumwater, WA.

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6 Katherine Hutchinson
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